

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:06CR3181
v.)	
)	
ROSEMARY AVALOS-HERNANDEZ,)	
)	MEMORANDUM AND ORDER
Defendant.)	
)	

Defendant has moved for a continuance of her trial because plea discussions have not been completed. Filings 15 and 18. I shall grant the defendant's motions.

Since consideration of plea negotiations is a necessary part of trial preparation, and also because the defendant has concurred in the request for additional time, I shall exclude the time granted by this motion from the calculation of time required by the Speedy Trial Act, 18 U.S.C. 3161, et seq. See Zedner v. United States, 126 S.Ct. 1976 (2006).

IT THEREFORE HEREBY IS ORDERED:

1. The defendant's filing 18 motion for continuance shall be filed under seal. However, this order shall not be filed under seal.

2. The defendant's motions to continue trial, filings 15 and 18, are granted, and trial is continued to 9:00 a.m. on May 7, 2007 before the Honorable Warren K. Urbom, United States Senior District Judge in Courtroom 4, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

3. The time between the filing of the motions and May 7, 2007 is excluded from the calculation of time required by the Speedy Trial Act, because trial preparation includes a reasonable amount of time to consider possible settlement options. Failure to grant the continuance would unreasonably deny counsel for the defendant adequate time to reasonably advise the defendant and prepare effectively for trial, taking into consideration due diligence. 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). The ends of justice served by granting the defendant's request for additional time therefore outweigh the best interests of the public and the defendant in a speedy trial.

DATED March 6, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge